

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of TIFFANY DENNIS, TAREN  
FALES, and TAYLOR FALES, Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

KARLA JEAN HILDEBRAND,

Respondent-Appellant.

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UNPUBLISHED

March 8, 2005

No. 257469

Antrim Circuit Court

Family Division

LC No. 99-000560-NA

Before: Murray, P.J., and Markey and O'Connell, JJ.

MEMORANDUM.

Respondent appeals by right from the trial court order terminating her parental rights to the minor children under MCL 712A.19b(3)(a)(ii), (b)(ii), (g), and (j). We affirm.

Respondent contends that the trial court erred in terminating her parental rights under MCL 712A.19b(3)(a)(ii) and (g) because these statutory grounds were not cited in the petition. We find that respondent has not preserved this issue because she failed to object below. This Court reviews unpreserved constitutional issues for plain error affecting substantial rights. *People v Carines*, 460 Mich 750, 764; 597 NW2d 130 (1999). Respondent has not demonstrated that plain error occurred because respondent was given adequate notice of the proofs that she would have to face to prevent termination of her parental rights under subsections (a)(ii) and (g). *In re Perry*, 193 Mich App 648, 651; 484 NW2d 768 (1992). The amended petition alleged that respondent had not had contact with the children for approximately two years and that her whereabouts were unknown. In addition, the amended petition alleged that respondent allowed Carl Fales to live in the family home even after she was informed that he inappropriately touched her daughter. Because respondent was given adequate notice with regard to the above statutory grounds, the trial court did not err in relying on such grounds to terminate her parental rights.

Respondent also contends that trial court erred in finding that clear and convincing evidence was presented warranting termination under MCL 712A.19b(3)(b)(ii). While respondent makes this argument in her brief, the question she presented on appeal challenges the evidence that she “failed to protect pursuant to MCL 712A.19b(3)(g).” Therefore, she has not properly presented this question for our review. MCR 7.212(C)(5). Moreover, clear and

convincing evidence established that her daughter was sexually abused and that respondent had the opportunity to prevent further abuse but failed to do so. Therefore, the trial court did not err in finding that MCL 712A.19b(3)(b)(ii) had been established.

We affirm.

/s/ Christopher M. Murray

/s/ Jane E. Markey

/s/ Peter D. O'Connell